

# Exhibit 9

**From:** [Steven Popofsky](#)  
**To:** [Aaron Etra](#)  
**Cc:** [Joshua K. Bromberg](#); [Pamela Frederick](#)  
**Subject:** RE: Benthos  
**Date:** Monday, September 21, 2020 3:08:55 PM

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Mr. Etra, what you have attached is a tiny, tiny fraction of what you were required to supply pursuant to the subpoena *duces tecum*, and you have sent no responses whatsoever to the information subpoena. Furthermore the two-page statement you have sent was, by your own admission, prepared by you in May, four months ago. Last week, I asked you whether you had “begun gathering responsive material,” and you responded “yes.” That appears to have been untrue. The subpoenas were served on August 27 and you appear to have done nothing at all to comply with either of them.

On September 3 and again on September 16, I wrote to you that “if you timely provide substantial responsive documents and information [on the due date of September 21,] and need a reasonable bit of additional time to complete your responses, we would respond reasonably.” I further gave you examples last week of material that should be “readily available to you and could easily be assembled and provided,” including “bank and brokerage account statements, credit card statements, real estate ownership and rent records, vehicle use and ownership, available cash and current living expenses, and recent tax returns.” You have provided virtually none of that.

Even in the hopelessly sparse two-page document you just sent, more questions are raised than answered, including (without limitation) to whom you pay your “housing and rent” charges, your wholly unidentified “other income sources” (which you claim constitute virtually the entirety of your monthly income), and what “checking account,” “savings accounts,” “stocks” and “investment accounts” you admit to having. Your Social Security number also was omitted.

This is not a game. The time when your gamesmanship might buy you time is long since past. We told you on August 28, and again on September 3, that you did not appear to be taking this seriously, and your virtually non-existent purported response today – after telling us last week that you were gathering material and would provide it today – confirms that beyond any doubt.

You have now failed to even try to comply with two subpoenas – whether you are in compliance with the restraining order remains to be seen, although we have our doubts – and we will give you one opportunity to remedy that before seeking to have you held

in contempt of court. We expect – without prejudice to requiring complete responses shortly thereafter – a substantial response this week, including at least the items referred to in the second and third paragraphs above. Failing that, we will move to have you held in contempt of court without any further warnings. We do not believe Judge Nathan will look kindly upon your patent non-compliance, but the risk is yours if you wish to test that.

With regard to your e-mail of September 17<sup>th</sup>, you do not necessarily need to “discuss” with us “a plan . . . for generating funds”; you just need to go out and generate those funds, whether from assets you have hidden away or otherwise. You should have been doing that for a long time now, and there is certainly no reason to wait until the week of October 12<sup>th</sup>. If you have something you wish to convey to us “to implement a settlement,” as you wrote below, please put it in writing.

Since you are a lawyer, it is unnecessary for me to say this, but you remain under the restraining order, and we reserve all of our client’s rights to seek to hold you in contempt of court (independent of a contempt motion addressed to your defiance of the subpoenas) should you be found to have violated it, in the past or in the future. To “give to others in need” is normally admirable, but we trust you understand that your ability to do such things is limited legally until you have satisfied your \$5 million debt to Benthos.

Finally, we have lost patience with your repeated nonsense about having acted “honorably.” You were an integral part of a criminal conspiracy and you may be disbarred, indicted and eventually jailed. You have been adjudicated – as confirmed by the federal court – to have violated your fiduciary duties in having mishandled escrowed funds entrusted to you, and you defied court orders, and you lied repeatedly to both a federal judge and to Benthos, a business operated by young men whom you shamelessly scammed. We will not respond to any further e-mails asserting that you have “no responsibility” for the loss of Benthos’s funds. The sole subjects we will address with you going forward are (i) how you are going to pay the judgment assessed against you, in full or pursuant to an agreed-upon settlement; (ii) your compliance or non-compliance with the judgment-enforcement subpoenas; and (iii) your compliance or non-compliance with the restraining order. You were already threatened with imprisonment once by a federal judge (“bring your toothbrush,” you were told, as you will vividly recall), and Benthos will pursue contempt of court remedies vigorously if warranted in connection with judgment enforcement.

Benthos demands prompt and continuing compliance with all of your legal obligations. You are aware of the consequences otherwise.

**STEVEN R. POPOFSKY**

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F 212.986.8866 |



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**From:** Aaron Etra [mailto:[aaron@etra.com](mailto:aaron@etra.com)]  
**Sent:** Monday, September 21, 2020 1:50 PM  
**To:** Steven Popofsky  
**Cc:** Joshua K. Bromberg  
**Subject:** FW: Benthos

Dear Mr. Popofsky,

I have not seen a response to my letter of the 17<sup>th</sup> below.

Please find attached the material I had prepared for Scott Schirick to be sent to you.

As you will note, my resources are limited and I need you to release and leave unencumbered any account on which you have put a hold and garnishment to enable me to pay my rent and purchase basic food and supplies. I will need to function in order to implement a settlement which I want to progress with you after the holidays as I wrote last week.

I look forward to hearing from you and thank you for your understanding.

Best,

Aaron Etra

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**From:** Aaron Etra <[aaron@etra.com](mailto:aaron@etra.com)>  
**Date:** Thursday, September 17, 2020 at 4:35 PM  
**To:** Steven Popofsky <[SPopofsky@kkwc.com](mailto:SPopofsky@kkwc.com)>  
**Cc:** "Joshua K. Bromberg" <[JBromberg@kkwc.com](mailto:JBromberg@kkwc.com)>  
**Subject:** Re: Benthos

Dear Mr. Popofsky,

Thank you for this message.

The answers to your two questions is for both, yes.

Furthermore, in addition to being compliant, I want to work with you to provide your clients with as much funds as I can reasonably generate. I am starting from scratch and I need your cooperation to be able to function and for you not to put holds on my accounts which do not let me even pay my rent and eat or otherwise restrict what I need to do toward this objective.

I live alone, do not have staff or resources to add significantly to the basic effort of earning a living . You will also appreciate the consequences what you have already added to my burden by the attacks on my reputation, especially since you and your clients know full well by this time that, at all times, I have acted honorably, without personal benefit and always trying to assist the parties, including Benthos, to remedy the problem of their own creation and for which I had no responsibility.

So, yes, I am and will remain compliant. And, yes, I will provide material on the 21<sup>st</sup>. As well, I would like to discuss with you during the week of October 12<sup>th</sup> a plan that I can achieve for generating funds. Please tell me what day and time I can call you then.

Until, then, please do release any holds you have put on my accounts and do not take any other such action, so I can pay my rent, purchase food and other necessities and function during this period. It is particularly painful that it is the Jewish holidays and one wants to not only support oneself but also give to others in need.

Thank you for your understanding and constructive action which is in the best interest of all concerned, including your clients, the good people of Benthos.

Best,

Aaron Etra

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**From:** Steven Popofsky <[SPopofsky@kkwc.com](mailto:SPopofsky@kkwc.com)>  
**Date:** Wednesday, September 16, 2020 at 11:30 AM  
**To:** Aaron Etra <[aaron@etra.com](mailto:aaron@etra.com)>  
**Cc:** "Joshua K. Bromberg" <[JBromberg@kkwc.com](mailto:JBromberg@kkwc.com)>  
**Subject:** RE: Benthos

Mr. Etra, as I wrote to you 13 days ago, "if you timely provide substantial responsive documents and information [on the due date of September 21,] and need a reasonable bit of additional time to complete your responses, we would respond reasonably."

Material such as – by way of example only – bank and brokerage account statements, credit card statements, real estate ownership and rent records, vehicle use and ownership, available cash and current living expenses, and recent tax returns are all readily available to you and could easily be assembled and provided.

The subpoenas were served on August 27, and the Jewish holidays are no impediment at all to your gathering and providing that sort of basic material in compliance with the subpoenas. It is unseemly of you to use the holidays as an excuse. Furthermore the arbitration award was rendered in April, and was confirmed by the Court on August 12 and the judgment was issued on August 13 – you are a lawyer and were at all times well aware of what would be required of you. Have you begun gathering responsive material at all? (Please be sure to respond to that inquiry in any return e-mail.)

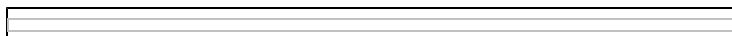
In addition, are you in compliance with the restraining notice served upon you on August 27? (Please respond to that inquiry as well.) If you can (truthfully) confirm that you are, and if you produce basic responsive material on the 21<sup>st</sup>, we can discuss the schedule beyond that and ensure that you are not unduly burdened. Please understand that you stalled my client for a long time – including refusing to return \$400,000 of Benthos’s money you were holding as an Escrow Agent, until threatened with imprisonment by the late Judge Batts – and you lied to Benthos repeatedly and refused to provide simple information as to the whereabouts of millions of dollars Benthos had entrusted to you. We and our client are justly suspicious as to whether you truly intend to comply with your legal obligations pursuant to the judgment-enforcement subpoenas.

If you do show good-faith compliance, we will work with you on scheduling. If you are just intent on stalling until you are again forced to comply by a federal judge threatening to hold you in contempt of court, we are not willing to be victimized by that gamesmanship.

Please respond specifically to the two inquiries set forth above. Thank you.

**STEVEN R. POPOFSKY**

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**From:** Aaron Etra [<mailto:aaron@etra.com>]  
**Sent:** Tuesday, September 15, 2020 4:33 PM  
**To:** Steven Popofsky  
**Cc:** Joshua K. Bromberg  
**Subject:** Benthos

Mr. Popofsky,

I am in preparation for the Jewish holidays and have limited capacity during this period, especially under my health circumstances.

I respectfully request rescheduling all required action on my part for dates as late as possible beginning with the week of October 12<sup>th</sup>, which will be my first post-holidays.

Thank you,

Aaron Etra